

REMARKS/ARGUMENTS

Claims 1 and 3 through 46 remain pending in this application. Claim 2 has been cancelled.

Claims 1, 3, 5, and 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by Zamora et al., U.K. Patent Application No. 2,227,666A (hereinafter "Zamora").

Claim 1 recites a tampon pledget including an inverted coverstock. The inverted coverstock includes an insertion end and a removal end. The insertion end and the removal end each have one or more pleats.

Zamora provides a tampon that has a skirt fixed to and extending from one end of the tampon to form a finger cover.

Zamora provides an overwrap membrane that has two sections, the first section being permeable to menstrual fluid and the second section being fluid repellant. The second section that is fluid repellant is twisted at the proximal end of the Zamora tampon to form a seal and then folded back over the tampon body. Zamora further provides that the advantage of the embodiment having the second section that is fluid repellant covering the permeable first section is that no additional secondary wrapping is required. Thus, the second section is both a finger cover and outer wrapper. In contrast, claim 1 provides an inverted coverstock. As is well known in the art, and provided on page 12 of the specification, coverstocks are hydrophilic. Therefore, the fluid repellant second section that covers the first section is not and cannot function as an inverted coverstock as provided by claim 1. Thus, Zamora clearly fails to disclose or suggest an inverted coverstock, as recited by claim 1.

Furthermore, the Action asserts Zamora discloses a tampon pledget wherein the insertion end (34) and the removal end (32) each have one or more pleats as set forth in figure 7a. Applicants respectfully disagree. Reference number 34 refers to a seal at a

withdrawal end of both the tampon and membrane of Zamora, as clearly shown in Figures 7a and 7b, rather than the insertion end of the coverstock as provided by claim 1.

Reference numeral 32 refers to the finger cover, rather than the removal end of the coverstock as provided by claim 1, as clearly shown in Figures 7a and 7b. Moreover, the Zamora fluid repellant second section is smoothly compressed around and against the proximal end of the tampon body as clearly shown in Figure 7a, and does not have a removal end having one or more pleats, as recited in claim 1. In addition, the portion of the fluid repellant second section of Zamora extending beyond the seal (35) on the insertion end is free of one or more pleats and the finger cover is smoothly compressed around and against the distal end of the tampon body as clearly shown in Figure 7b. Thus, Zamora fails to disclose or suggest that the insertion end has one or more pleats contrary to claim 1.

Therefore, Zamora fails to disclose or suggest a tampon pledget having an inverted coverstock, let alone an inverted coverstock including an insertion end and a removal end that each have one or more pleats, as recited in claim 1. Accordingly, Applicants respectfully submit that Zamora fails to disclose or suggest all of the claimed features recited in claim 1 and claims 3, 5, and 6 that depend therefrom. As such, Applicants respectfully request reconsideration and withdrawal of the §102(b) rejection of claims 1, 3, 5, and 6.

Claims 1 and 3 stand rejected under 35 U.S.C. §102(b) as being anticipated by Sneider, U.S. Patent No. 4,351,339 (hereinafter "Sneider").

Again, claim 1 recites a tampon pledget including an inverted coverstock. The inverted coverstock includes an insertion end and a removal end. The insertion end and the removal end each have one or more pleats.

Sneider provides a helically wound body assembly that is closely wound with the absorbent members adjacent each other and an outer sheath that has accordion pleats.

The Office Action asserts that Sneider discloses a tampon pledget comprising an inverted coverstock. Applicants respectfully disagree. Sneider provides that “[t]he pleated outer sheath 18 is shown with accordion pleats 22 so that the applied cover smoothly and snugly encloses and retains the absorbent body 16. The accordion-pleats 22 are shown with the fold portions disposed so that the inner folds are toward the inner body member 16.” (col. 3, lines 50-55 in conjunction with Figures 3 and 4). Nowhere in Sneider is an inverted coverstock remotely disclosed or suggested.

The Office Action further asserts that Sneider discloses that the insertion end and the removal end each have one or more pleats. Applicants respectfully disagree. Sneider provides that the “sheath 18 is closed at the inserting end and the withdrawal end is made with a small opening around said string or may be directly attached to the withdrawal string.” (col. 3, lines 57-61). Sneider further provides that “[t]hese pleats are overlaid so that when withdrawal of the tampon is to be made the pleats will unfold to lengthen into a much longer confining means.” (col. 4, lines 3-6). Thus, as clearly shown in Figures 3 and 5, the Sneider tampon has pleats along the length of the sheath, but clearly lacks pleats at either the insertion end or removal end, contrary to the claimed invention set forth in claim 1.

Accordingly, Applicants respectfully submit that Sneider fails to disclose or suggest all of the claimed features recited in claim 1 and claim 3 that depends therefrom. As such, Applicants respectfully request reconsideration and withdrawal of the §102(b) rejection of claims 1 and 3.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sneider.

Claim 4 recites the tampon pledget of claim 1 and further recites that the one or more pleats is about 6 to about 10 pleats.

Again, Sneider provides a helically wound body assembly that is closely wound with the absorbent members adjacent each other and an outer sheath that has accordion pleats.

The Office Action asserts that the difference between Sneider and claim 4 is the provision that the one or more pleats is about 6 to about 10 pleats. The Action then contends that it would have been obvious to one of ordinary skill in the art to provide the claimed amount of pleats because Sneider teaches that the pleats in the outer cover may be numerous as desired. Applicants respectfully disagree. As discussed above, Sneider fails to disclose or suggest a tampon pledget having an inverted coverstock or one where the insertion end and the removal end each have one or more pleats, as recited in claim 1. Additionally, Sneider teaches away from a tampon pledget with the insertion end and the removal end each having one or more pleats, as provided in claim 1, by providing that the "sheath 18 is closed at the inserting end and the withdrawal end is made with a small opening around said string or may be directly attached to the withdrawal string." (col. 3, lines 57-61). Moreover, Figures 2 and 3 clearly show a sheath that has an inserting end and a withdrawal end that are smooth and free of pleats.

Accordingly, Applicants respectfully submit that Sneider fails to disclose or suggest all of the claimed features recited in claim 1 and claim 4, which depends therefrom. As such, Applicants respectfully request reconsideration and withdrawal of the §103(a) rejection of claim 4.

Claims 7 through 11 and 14 through 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zamora in view of Foley et al., U.S. Patent No. 5,817,077 (hereinafter "Foley").

Claims 7 through 11 and 14 through 20 include all of the features of claim 1.

Zamora is summarized above. Foley provides a tampon cover covering the side walls, insertion end, and the withdrawal end of a conventional tubular tampon.

As discussed above, Zamora clearly fails to disclose or suggest a tampon pledget with an inverted coverstock that has an insertion end and a removal end that each have one or more pleats, as recited by claim 1.

Foley fails to cure any of the deficiencies of Zamora in that Foley also fails to disclose or suggest a tampon pledget with the insertion end and the removal end each have one or more pleats, as recited in claim 1. Therefore, Zamora and Foley, taken alone or in combination, fail to disclose or suggest the claimed invention recited in claim 1. Thus, claims 7 through 11 and 14 through 20, which depend directly from claim 1, are also patentable over the cited art, taken alone or in combination. As such, Applicants respectfully request reconsideration and withdrawal of the §103(a) rejection of claims 7 through 11 and 14 through 20.

The Office Action rejects claims 1 through 46 under the non-statutory, obviousness-type double patenting rejection as being unpatentable over claims 1 through 30 of Pauley et al. (U.S. Patent No. 6,595,974 B2). Upon allowance of the claimed subject matter, a terminal disclaimer will be filed.

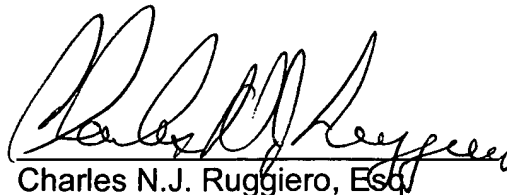
To further clarify the distinction of the claimed invention over the cited art, Applicants respectfully submit the following remarks relating to the Response to Arguments set forth on page 6 of the Action. The Action asserts in the Response to Arguments that the Examiner considers 34 as part of the insertion end and the end of 32 as part of the removal end. Applicants respectfully disagree. Page 15, lines 2 through 8, of the specification provides that the coverstock “sealed at the removal end 14 (i.e. the end distal of the insertion end) and a removal end seal bond 22 is formed” and further provides that “the removal end seal bond is pleated.” Furthermore, as provided by page 14 of the specification and Figures 1, 2, 6, and 7, the coverstock has an insertion end on an end of the tampon opposite the removal end of the tampon. Therefore, reference numerals 34 and 32 in Figures 7a and 7b of Zamora are clearly not on the insertion end and removal end, respectively, as provided by claim 1. To the contrary, the removal end and insertion end of Zamora, taken in the context of the presently claimed invention, are present at reference numerals 12a and 12b of Figures 6 through 7b.

The Action also asserts in the Response to Arguments that the pleat is formed in the insertion end 32 by way of seal 34 and pleats are also shown at the end of the removal end 32. As discussed above, reference numeral 32 is not on the insertion end as provided by claim 1. Also, as discussed above, the fluid repellant second section or skirt 32 is smoothly compressed around and against the proximal end of the tampon body as clearly shown in Figure 7a, and does not have a removal end having one or more pleats, as recited in claim 1.

The Action also asserts in the Response to Arguments that in Figure 7b, the Examiner may consider the seal 34 as the at least one pleat in the removal end and the seal 35 as the at least one pleat in the insertion end. Applicants respectfully disagree. As discussed above, the fluid repellant second section or skirt 32 is smoothly compressed around and against the proximal end of the tampon body, and seal 34, as clearly shown in Figure 7a, and does not have a removal end having one or more pleats, as recited in claim 1. In addition, as discussed above, the portion of the fluid repellant second section of Zamora extending beyond the seal (35) on the insertion end is free of one or more pleats and the finger cover is smoothly compressed around and against the distal end of the tampon body as clearly shown in Figure 7b, and does not have an insertion end having one or more pleats.

In view of the above, reconsideration and withdrawal of the rejections and passage of this application to allowance are respectfully requested.

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